

IN RE: PETITION FOR SPECIAL HEARING  
W/S Bellona Avenue, 135' N of  
the c/l of Rogers Forge Road  
(6806 Bellona Avenue)  
9th Election District  
4th Councilmanic District

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 91-70-SPH

Mercy Villa, Inc.  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 90-79-A to permit a south side yard building setback of 25 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1.

The Petitioners, by Sister Kathleen Steinkamp, appeared, testified and were represented by G. Scott Barhight, Esquire. The following individuals appeared as Protestants in the matter: Thomas J. Peddicord, Jr., President of the Charlesbrooke Community Association, Inc., Patricia P. Brannan, Mr. & Mrs. Philip E. Scott, Jr., Doris K. Dickinson and C. Hammond Brown, all residents of the area.

Testimony indicated that the subject property, known as 6806 Bellona Avenue, consists of 11.5 acres zoned D.R. 3.5 and is improved with an existing one-story retirement home known as Mercy Villa, which has served as a convent for retired members of the Sisters of Mercy since 1974. Said property was the subject matter of previous Case No. 90-79-A in which the Petitioners were granted a variance to permit a building elevation width of 345 feet in lieu of the maximum permitted 300 feet for a proposed addition to the existing building on September 7, 1989. The proposed addition will accommodate the Joint Retirement Project of the Sisters of Mercy and the Mission Helpers of the Sacred Heart.

In Case No. 90-79-A, Petitioner's Exhibit 1 indicated a 50-foot south side yard building setback. Subsequently, building permits were approved by Baltimore County based upon site plans which met the required setbacks pursuant to the B.C.Z.R. However, the south side setback was a 25-foot setback rather than the 50-foot depicted on the plan. The discrepancy was not noted by the technician since the required setbacks were met and the permits signed by Zoning. Thereafter, construction of the proposed addition commenced. After becoming aware of the change in the south side yard building setback, the Charlesbrooke Community Association, Inc. and several of its members registered their concerns with the Zoning Commissioner's office. The Petitioners were advised to file the instant Petition for Special Hearing in order to determine the appropriateness of the modification.

Testimony at the hearing indicated Petitioners had improperly included on the originally approved site plan land which had been deeded a number of years prior by Petitioners to the developers of the Charlesbrooke Community. The size of the existing building and its location on the property was not modified. The residents of Charlesbrooke abutting the property were unhappy about the revisions to the site plan and removal of existing landscaping along the property line during construction of the addition.

Testimony indicated the Petitioners and the Protestants met and negotiated in good faith, and by Agreement dated October 12, 1990, successfully resolved their concerns. All parties to this case have jointly requested that the Deputy Zoning Commissioner, pursuant to a proposed "Consent Order", adopt and incorporate the Agreement, identified as Exhibit A herein, into the Final Order. As indicated at the hearing, the terms

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IN RE: PETITION FOR  
SPECIAL HEARING  
W/S Bellona Avenue, 135 Feet  
N of c/l of Rogers Forge Road  
6806 Bellona Avenue  
9th Election District  
4th Councilmanic District

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 91-70-SPH

Mercy Villa, Inc.  
Petitioner

#### CONSENT ORDER FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests approval of an amendment of the southern sideyard building setback from 50 feet as shown on plans previously approved in Case No. 90-79-A to 25 feet.

The Petitioner, Mercy Villa, Inc., by Sister Kathleen Steinkamp, appeared, testified and was represented by G. Scott Barhight, Esquire. The following witnesses appeared on behalf of the Petitioner: Mac Baker, Mike Hale, Herbert Malmud, Aaron Shamberg.

The following Protestants appeared: Thomas J. Peddicord, Jr., as President of the Charlesbrooke Community Association, Inc., and C. Hammond Brown.

The subject property, known as 6806 Bellona Avenue, consists of 11.5 acres zoned D.R. 3.5 and is located off Bellona Avenue in Rogers Forge. Said property is the site of Mercy Villa which has served as a convent for retired members of the Sisters of Mercy since 1974. The Sisters of Mercy and the Mission Helpers of the Sacred Heart have been constructing an addition to the existing building to accommodate the Joint Retirement Project of the two Orders.

EXHIBIT B 10/11/90

#### AGREEMENT

This Agreement is entered into as of the 11<sup>th</sup> day of October, 1990, by and between THE SISTERS OF MERCY OF THE UNION IN THE UNITED STATES OF AMERICA, PROVINCE OF BALTIMORE, INC. ("Mercy") party of the First Part and the CHARLESBROOKE COMMUNITY ASSOCIATION, INC. (the "Association"), and those members of the Association whose names are subscribed hereto as individual property owners (the "Neighbors"), parties of the Second Part.

#### RECITALS

A. Mercy Villa is a nonprofit religious retirement home for the Sisters of Mercy located at 6806 Bellona Avenue. In partnership with another religious order, the Mission Helpers of the Sacred Heart, the Sisters of Mercy have planned an expansion of the Mercy Villa. This expansion includes an addition to the south side of the Mercy Villa and renovation of the existing facilities.

B. The subject property on which Mercy Villa is situated, consists of 11.5 acres zoned D.R. 3.5 and is located off of Bellona Avenue in Rogers Forge. Mercy is the fee simple owner of the subject property.

C. A waiver of the CRG plan and CRG meeting was approved by the Director of the Office of Planning and Zoning and the Baltimore County Planning Board on July 20, 1989 for the Mercy Villa expansion. By Order dated September 7, 1989, the Deputy Zoning Commissioner for Baltimore County granted a

of the agreement will not be fully adopted and incorporated herein due to the inapplicability of some of the provisions and inappropriateness of enforcement of others by the County.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 11<sup>th</sup> day of November, 1990 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 90-79-A to permit a south side yard building setback of 25 feet in lieu of the required 50 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall landscape the property around the proposed addition at a minimum in accordance with that set forth in Petitioner's Exhibit 2.
- 3) Within 30 days of the date of this Order, Petitioners shall submit a landscaping plan for approval by the Baltimore County Landscape Planner incorporating the landscaping set forth in Petitioner's Exhibit 2 into an overall landscaping plan for the property. Prior to submitting the landscaping plan for approval by Baltimore County, said plan shall be submitted and found to be in compliance with Petitioner's Exhibit 2 by William Kirwin, Landscape Architect for the Charlesbrooke Community Association.
- 4) The planting pursuant to the approved landscaping plan shall be completed no later than April 30, 1991 unless prohibited by actions beyond Petitioner's control.

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5) Petitioner shall use its best efforts to perform final grading of those areas between the addition and the southern property line by the end of calendar year 1990. The final grading, stabilization, seeding and mulching of the area between the southern property line and the addition shall be completed by no later than April 30, 1991 unless prohibited by actions beyond Petitioner's control (i.e., weather, acts of Baltimore County).

6) Petitioner shall comply with the grading plan to be approved by Baltimore County and shall maintain the grades in accordance with said grading plan.

7) Petitioner shall repair and clean the areas around the fence along the southern property line, then maintain the fence free of weeds.

8) No covered walkways or building will occur between the south side of the addition and the southern property line.

9) All additional HVAC systems (heating, ventilating and air conditioning) are to be located under the roof of the addition. The additional cooling tower will be located adjacent to the existing cooling tower, west of the building. Said location shall be noted on the revised site plan submitted within sixty (60) days of the date of this Order, or earlier, if additional permits are required.

10) Petitioner agrees not to erect a second story, regardless of use, on the addition to Mercy Villa.

11) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

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#### PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 91-70-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment of the southern side yard building setback from 50 ft. (as shown on the plan approved pursuant to Case No. 90-79-A) to 25 ft.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
Mercy Villa, Inc.	Mercy Villa, Inc.
(Type or Print Name)	(Type or Print Name)
Signature	By: <u>G. Scott Barhight</u>
Address	Signature
City and State	Frederick J. Vaeth, Jr., Agent
	(Type or Print Name)
Attorney for Petitioner:	Signature
G. Scott Barhight	6806 Bellona Avenue
(Type or Print Name)	Address
Whiteford, Taylor & Preston	Baltimore, MD 21212
500 Court Towers	City and State
210 W. Pennsylvania Avenue	Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Towson, MD 21204	G. Scott Barhight, Esq.
City and State	500 Court Towers
Attorney's Telephone No.: 832-2000	210 W. Pennsylvania Avenue
	Address
	Towson, MD 21204
	Phone No. 832-2000

ORDERED By The Zoning Commissioner of Baltimore County, this 15 day of December, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of December, 1990, at 7:30 o'clock P.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

Z.C.O.-No. 1

(over)



91-70-SPH

H. MALMUD & ASSOCIATES, INC.  
100 CHURCH LANE  
BALTIMORE, MARYLAND 21208  
TELEPHONE (301) 653-9511

ASSOCIATION  
SISTERS OF MERCY  
MERCY VILLA RETIREMENT HOME  
BALTIMORE COUNTY, MARYLAND

Beginning for the east or the west side of Bellona Avenue, 53 feet  
and being 175 feet northerly from the centerline of Rodgers Forge Road  
as projected southwesterly to intersect the west side of Bellona Avenue,  
thence binding on Bellona Avenue the five (5) following courses and  
distances:

- (1) South 22° 04' 12" East 140.09 feet.
- (2) By a line curving to the left with a Radius of 600.00 feet, Arc  
of 175.95 feet, Chord Bearing and Distance of South 22° 28' 40" East  
175.95 feet.
- (3) South 28° 53' 10" East 244.06 feet.
- (4) By a line curving to the right with a Radius of 323.19 feet,  
Arc of 27.79 feet, Chord Bearing and Distance of South 22° 24' 20" East  
27.79 feet.
- (5) South 22° 15' 30" East 41.76 feet, thence leaving Bellona  
Avenue and running the eight (8) following courses and distances:
- (6) South 57° 42' 30" West 75.00 feet.
- (7) South 21° 44' 20" West 200.00 feet.
- (8) North 05° 15' 40" West 62.38 feet.
- (9) South 64° 44' 20" West 66° 58 feet.
- (10) North 05° 14' 09" West 62.97 feet.
- (11) South 84° 53' 51" West 8.00 feet.
- (12) North 05° 06' 09" West 471.90 feet.
- (13) North 87° 28' 32" East 728.00 feet to the place of beginning.

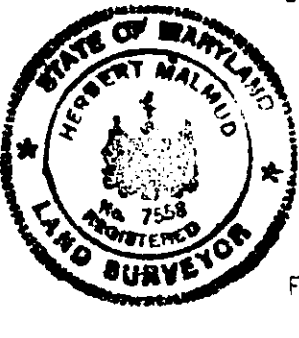
Containing 11.26 acres of land, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE  
OF TITLE

Herbert Malmud  
Registered Land Surveyor  
Maryland No 7556

July 17, 1990

FILE: Mercy Villa Desc 19



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

91-70-SPH

District: 9th Date of Posting: September 25, 1990  
Posted for: Special Hearing  
Petitioner: Mercy Villa, Inc.  
Location of property: W/S Bellona Avenue, 135' N of c/l of Rodgers Forge Road, 6806 Bellona Avenue  
Location of Signs: In front of 6806 Bellona Avenue  
Remarks: S. J. Arator  
Posted by: S. J. Arator Date of return: September 25, 1990  
Number of Signs: 1



Baltimore County  
Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001:6150  
Number

receipt  
N: 3020

Date: 7/24/90  
PUBLIC HEARING FEE: \$175.00  
TOTAL: \$175.00  
LAST NAME OF OWNER: MERCY VILLA, INC.  
Please make checks payable to: Baltimore County  
CASHIER VALIDATION: 04004#0093M1CHRC  
BA 2010159A07-24-90 \$175.00

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25-19-90

THIS IS TO CERTIFY, that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 9-19-19-90

THE JEFFERSONIAN.

Publisher

\$102.41

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing  
Case number: 91-70-SPH  
W/S Bellona Avenue, 135' N of Rodgers Forge Road  
6806 Bellona Avenue  
9th Election District  
4th Councilmanic District  
Petitioner: Mercy Villa, Inc.  
Hearing Date: Thursday, Oct. 18, 1990 at 9:30 a.m.  
Special Hearing: An amendment of the southern side yard building setback from 50 ft. (as shown on the plan approved pursuant to Case #90-79-A) to 25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TOWSON, Sept. 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9-25-1990

THIS IS TO CERTIFY, that the annexed advertisement was  
published in TOWSON TIMES, a weekly newspaper published in  
Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 9-19-19-90

TOWSON TIMES.

S. Zeke Olson

Publisher

\$102.41

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J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TOWSON, Sept. 20.



Baltimore County  
Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001:6150  
Number

receipt  
N: 3630

91-70

Date

Cashier Validation:

Please make checks payable to: Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(410) 887-3353

J. Robert Haines  
Zoning Commissioner

Mercy Villa, Inc.  
6806 Bellona Avenue  
Baltimore, Maryland 21212

Re: Petition for Special Hearing  
CASE NUMBER: 91-70-SPH  
W/S Bellona Avenue, 135' N of c/l of Rodgers Forge Road  
6806 Bellona Avenue  
9th Election District - 4th Councilmanic District  
Petitioner(s): Mercy Villa, Inc.  
HEARING: THURSDAY, OCTOBER 18, 1990 at 9:30 a.m.

Gentlemen:

Please be advised that \$ 127.41 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING. THE OWNER SHALL NOT ISSUE, DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:js

cc: G. Scott Barhight, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

August 21, 1990



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing  
CASE NUMBER: 91-70-SPH  
W/S Bellona Avenue, 135' N of c/l of Rodgers Forge Road  
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9th Election District - 4th Councilmanic District  
Petitioner(s): Mercy Villa, Inc.  
HEARING: THURSDAY, OCTOBER 18, 1990 at 9:30 a.m.

Special Hearing: An amendment of the southern side yard building setback from 50 ft. (as shown on the plan approved pursuant to Case #90-79-A) to 25 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Mercy Villa, Inc.  
Thomas J. Peddicord, Esq.  
G. Scott Barhight, Esq.

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

October 5, 1990



Dennis F. Rasmussen  
County Executive

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
500 Court Towers  
210 W. Pennsylvania Avenue  
Towson, MD 21204

RE: Item No. 34, Case No. 91-70-SPHA  
Petitioner: Mercy Villa, Inc., et al  
Petition for Special Hearing

Dear Mr. Barhight:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Frederick J. Vaeth, Jr.  
Mercy Villa, Inc.  
6806 Bellona Avenue  
Baltimore, MD 21212

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
15th day of August, 1990.

J. Robert Haines  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

James E. Dyer  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Mercy Villa, Inc., et al

Petitioner's Attorney: G. Scott Barhight



TO: J. Robert Haines  
Zoning Commissioner

DATE: September 17, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Mercy Villa, Item No. 34

Should the Petitioners' request be granted, staff recommends the following:

- If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

REC- 4/21/92

August 10, 1990

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvw

RECEIVED  
AUG 20 1990  
ZONING OFFICE

TO: J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF  
PERMITS & LICENSES

SUBJECT: ZONING ITEM #: **34**  
PROPERTY OWNER: Mercy Villa, Inc.  
LOCATION: W/S Bellona Avenue, 135' N centerline of  
Rodgers Forge Road  
ELECTION DISTRICT: 9th  
COUNCILMANIC DISTRICT: 4th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- ☒ PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

- |                                                      |                                                          |
|------------------------------------------------------|----------------------------------------------------------|
| <input checked="" type="checkbox"/> PARKING LOCATION | <input checked="" type="checkbox"/> RAMPS (degree slope) |
| <input type="checkbox"/> NUMBER PARKING SPACES       | <input checked="" type="checkbox"/> CURB CUTS            |
| <input checked="" type="checkbox"/> BUILDING ACCESS  | <input checked="" type="checkbox"/> SIGNAGE              |

- PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

- X A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.  
SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE  
REQUIRED.

- ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

- ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

- ☒ OTHER - Structure must meet height and area requirements of Article #3.

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE,  
TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

TO: Zoning Advisory Committee      DATE: August 9, 1990

FROM: Robert W. Bowling, F.E.

RE: Zoning Advisory Committee Meeting  
for August 14, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 30, 31, 33, **34**, 35, 36, 37, 38.

ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB: S

5/6/90  
Date

Zoning Item # 34, Zoning Advisory Committee Meeting of August 14, 1990

Property Owner: Mercy Villa, Inc.

Location: W/S Bellona Ave. 135' N centerline of Rodgers Forge Rd District: \_\_\_\_\_

Water Supply: metr Sewage Disposal: metr  
COMMENTS ARE AS FOLLOWS:

( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installations(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint booths, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 887-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations for more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.  
( ) The results are valid until \_\_\_\_\_.  
( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with 31-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_.  
( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others \_\_\_\_\_

BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Betty Mary Brown (Gibson)	1446 Bellevue Ave
1000 10th St. N.W.	Bethesda, Md. 20814
John Brown Brown (Gibson)	1200 Smith Ave
500 Brown River (Gibson)	Baltimore, Md. 21201
1000 10th St. N.W.	
1000 10th St. N.W.	1000 10th St. N.W.
1000 10th St. N.W.	

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

<u>NAME</u>	<u>ADDRESS</u>
TITMUS JEDICORD	11 CHARLES BROKE RD 7122
PATRICIA P BRYNNAN	6636 Walnutwood Cir, 21212
THOMAS J. S. &	6638 Walnutwood Cir
JOHN J. JACKSON	6634 Walnutwood Cir
CHARLES H. HARRIS	6639 Walnutwood Cir

C. Hammond Brown  
6639 WALNUTWOOD CIRCLE  
BALTIMORE, MD 21212-1214  
301-578-9999

August 30, 1990

The Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Dear Ms. Nastarowicz:

I am writing to inquire whether any date has been set for the hearing on the petition filed by Mercy Villa, I believe, on July 31.

The petition was filed in response to your letter of July 17 to Scott Barhight, Esq., which stated that a stop work order would not be issued if the petition were filed within 10 days from the date of your letter, and provided that Mercy Villa understood and agreed that it is proceeding at its own risk.

It was my clear understanding from our conference call on July 10 that the petition would be accompanied by a request for acceleration of the hearing date. Indeed, those of us in Charlesbrooke cleared what dates would be acceptable to us in late August. However, apparently no such request was filed.

When I telephoned your office several weeks ago, you were then on vacation. The clerk who schedules the hearings stated that no date would be available before the middle of October. A similar call a week ago brought the same response.

Is it not possible that some earlier date could be arranged?

Very truly yours,

*Hammond Brown*

cc: Scott Barhight, Esq.

RECEIVED  
AUG 31 1990

ZONING OFFICE

LAW OFFICES  
WHITEFORD, TAYLOR & PRESTON

SUITE 1400  
8000 SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202  
TELEPHONE 301-541-4100

500 COURT TOWERS  
210 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204-4515  
301-832-2000  
FAX: 301-832-2015

SUITE 400  
888 17TH STREET, NW  
WASHINGTON, D.C. 20005  
TELEPHONE 202-451-5400

G. SCOTT BARHIGHT  
DIRECT NUMBER  
301-832-2000

August 14, 1990

HAND DELIVERY

C. Hammond Brown, Esquire  
6639 Walnutwood Circle  
Baltimore, Maryland 21212-1214

Re: Mercy Villa Project  
Final Landscape Plan

Dear Mr. Brown:

Enclosed is an original Final Landscape Plan dated November 6, 1989, with amendments regarding the landscaping of the new service road to be located on the north side of the building. These modifications are stamped "Approved" by Baltimore County on August 2, 1990.

As I recently discussed with Tom Peddicord, we are still awaiting approval of the grading plan by Baltimore County. As soon as the plans are approved, we will provide you with a copy of the approved grading plan.

We look forward to discussing your specific requests with regard to the grading and landscaping plans. Please forward your requests in writing to me at your earliest convenience.

RECEIVED  
AUG 15 1990  
ZONING OFFICE

C. Hammond Brown, Esquire  
August 14, 1990  
Page 2

Should you have any questions or comments, please feel free to contact me.

Sincerely,

*G. Scott Barhight*  
G. Scott Barhight

GSB:sbt

Enclosure

cc: The Honorable Ann M. Nastarowicz  
Sr. M. Kathleen Steinkamp  
Mr. Frederick J. Vaeth, Jr.  
Mr. Mac Baker  
Thomas J. Peddicord, Jr., Esquire  
Ascanio S. Boccuti, Esquire  
Priscilla C. Caskey, Esquire

LAW OFFICES  
WHITEFORD, TAYLOR & PRESTON

SUITE 1400  
8000 SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202  
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WASHINGTON, D.C. 20005  
TELEPHONE 202-451-5400

G. SCOTT BARHIGHT  
DIRECT NUMBER  
301-832-2000

August 31, 1990

HAND DELIVERY

The Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing  
Petitioner: Mercy Villa, Inc.  
Case No.: 91-70-SPH

Dear Ms. Nastarowicz:

This letter is to respond to the allegations contained in Mr. Brown's August 30 letter to you regarding the scheduling of the hearing in the above matter. In that letter, Mr. Brown states that it was his understanding from our July 10 conference call that the Petition for Special Hearing would be accompanied by a request for acceleration of the hearing date. Further, Mr. Brown complained that no such request was filed. I do not agree with Mr. Brown's recollection of that conference call. Additionally, your July 17 letter to me made no mention of any requirement or understanding that the Petitioner would request an acceleration of the hearing date.

Notwithstanding my disagreement with Mr. Brown's characterization of our conference call, it was my understanding that your office was inclined to schedule this matter as soon as possible. Being actively involved in zoning matters in Baltimore County, I am aware of the status of your docket, and am not surprised that October 18 was the earliest available date.

Mr. Brown's letter apparently requests that the hearing be rescheduled for an earlier date. The Petitioner is not opposed to this request.

91-70-SPH

The Honorable Ann M. Nastarowicz  
August 31, 1990  
Page 2

Should you have any questions or comments, please feel free to contact me.

Sincerely,

*G. Scott Barhight*  
G. Scott Barhight

GSB:sbt

cc: Sr. M. Kathleen Steinkamp, RSM (w/enclosure)

Mr. Frederick J. Vaeth, Jr.  
Mr. Mac Baker  
Thomas J. Peddicord, Jr., Esquire  
C. Hammond Brown, Esquire  
Ascanio S. Boccuti, Esquire  
Priscilla C. Caskey, Esquire

LAW OFFICES  
WHITEFORD, TAYLOR & PRESTON

SUITE 1400  
8000 SAINT PAUL STREET  
BALTIMORE, MARYLAND 21202  
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888 17TH STREET, NW  
WASHINGTON, D.C. 20005  
TELEPHONE 202-451-5400

G. SCOTT BARHIGHT  
DIRECT NUMBER  
301-832-2000

October 16, 1990

HAND DELIVERY

The Honorable Ann M. Nastarowicz  
Deputy Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Petition for Special Hearing  
Petitioner: Mercy Villa, Inc.  
Case No.: 91-70-SPH

Dear Ms. Nastarowicz:

Pursuant to our recent conversation, I have discussed this matter with Mr. Peddicord. We agree that it is appropriate to provide you with a copy of the Agreement and to place our witnesses on call for the October 18 hearing.

Enclosed is a copy of the Agreement and the two attached Exhibits. Please review the Agreement and provide us with your thoughts and comments. If the Agreement meets with your approval, Mr. Peddicord and I hope to enter the Agreement into the record and consent to the Order attached to the Agreement as Exhibit B. The Agreement is contingent upon the entry of a Consent Order which shall be in substantially the same form as Exhibit B.

RECEIVED  
OCT 16 1990  
ZONING OFFICE

The Honorable Ann M. Nastarowicz  
October 16, 1990  
Page 2

Mr. Peddicord and I look forward to your comments and direction. Thank you for your continued cooperation and attention to these very important matters.

Sincerely,

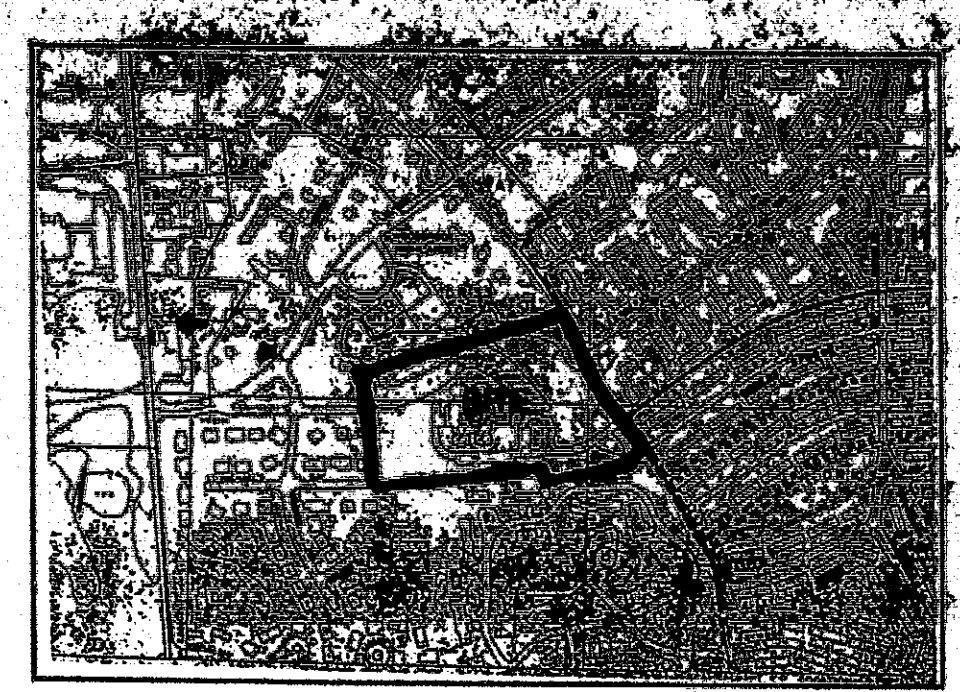
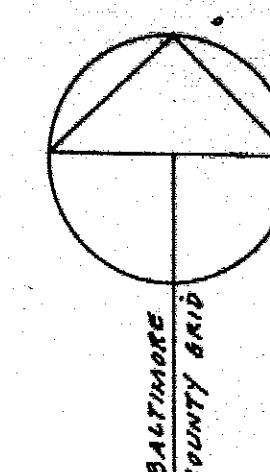
*G. Scott Barhight*  
G. Scott Barhight

GSB:sbt

Enclosures

cc: Sr. M. Kathleen Steinkamp, RSM  
Mr. Frederick J. Vaeth, Jr.  
Mr. Mac Baker  
Thomas J. Peddicord, Jr., Esquire  
C. Hammond Brown, Esquire  
Ascanio S. Boccuti, Esquire  
Priscilla C. Caskey, Esquire





VICINITY MAP  
SCALE: 1:1000

NOTES

THE BEARINGS SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY BALTIMORE COUNTY AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

# X8647	N 29134.38	W 2645.29
# X8648	N 28966.89	W 2861.64
# X8643	N 29185.68	W 1542.34
# X8644	N 29552.87	W 1732.20

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

A TITLE REPORT WAS NOT FURNISHED FOR THIS SURVEY.

DEED REFERENCE: Liber 5007, Folio 302.

PLAT TO ACCOMPANY PETITION FOR  
ZONING SPECIAL HEARING

DATE: JULY 15, 1990  
OWNER: JOINT RETIREMENT PROJECT  
OWNER'S ADDRESS: 6806 BELLONA AVE.  
BALTIMORE, MARYLAND 21212  
PROPERTY ADDRESS: 6806 BELLONA AVE.  
BALTIMORE, MARYLAND 21212  
NINTH ELECTION DISTRICT  
FOURTH COUNCILMANIC

WAIVERS AND VARIANCES:

CRG PLAN & HEARING WAIVER NO. 89.156-  
PREPARE RECORD PLAN WITHOUT CRG PLAN, 7/29/89  
SPECIAL HEARING CASE NO. 90-79-A GRANTING  
ELEVATION WIDTH OF 345' WITH RESTRICTION  
OF CONSTRUCTION ACCESS TO BELLONA AVE.

PREVIOUS PERMIT:

ORIGINAL STRUCTURE; DEC. 1972  
(PERMIT NO. UNKNOWN)

ZONING: DR 3.5

ACRAGE: 11.262

PARKING REQUIREMENTS:

1 SPACE/10 BEDS (EXIST.) = 5 SPACES  
3 SPACES/10 BEDS (NEW) = 9 SPACES

PARKING PROVIDED:  
10' x 20' = 17 SPACES  
13' x 20' (HC) = 3 SPACES

OPEN SPACE:  
BUILDING AREA = 1.01 AC.  
PAVED AREA = .7 AC.  
% OPEN SPACE = 85.13 %

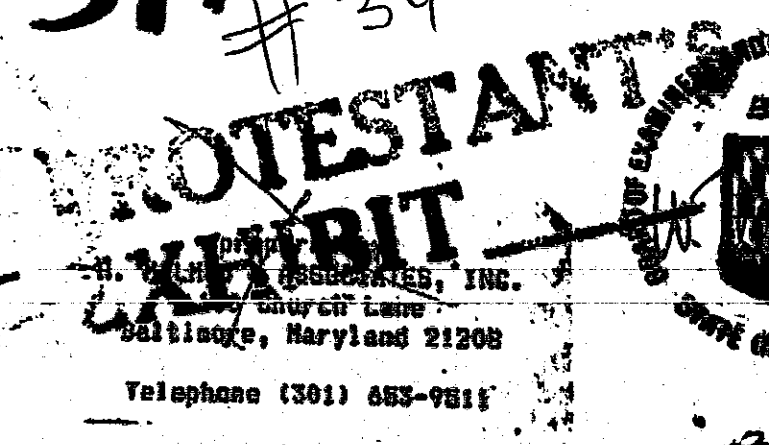
USE GROUP (B.O.C.A.)  
ADDITION: LI (INSTITUTIONAL)

PROPERTY OUTLINE  
SURVEY OF REMAINDER OF  
SISTERS OF MERCY PROPERTY  
MERCY VILLA RETIREMENT HOME  
BELLONA AVENUE  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1"=50'

91-70-SPH #34

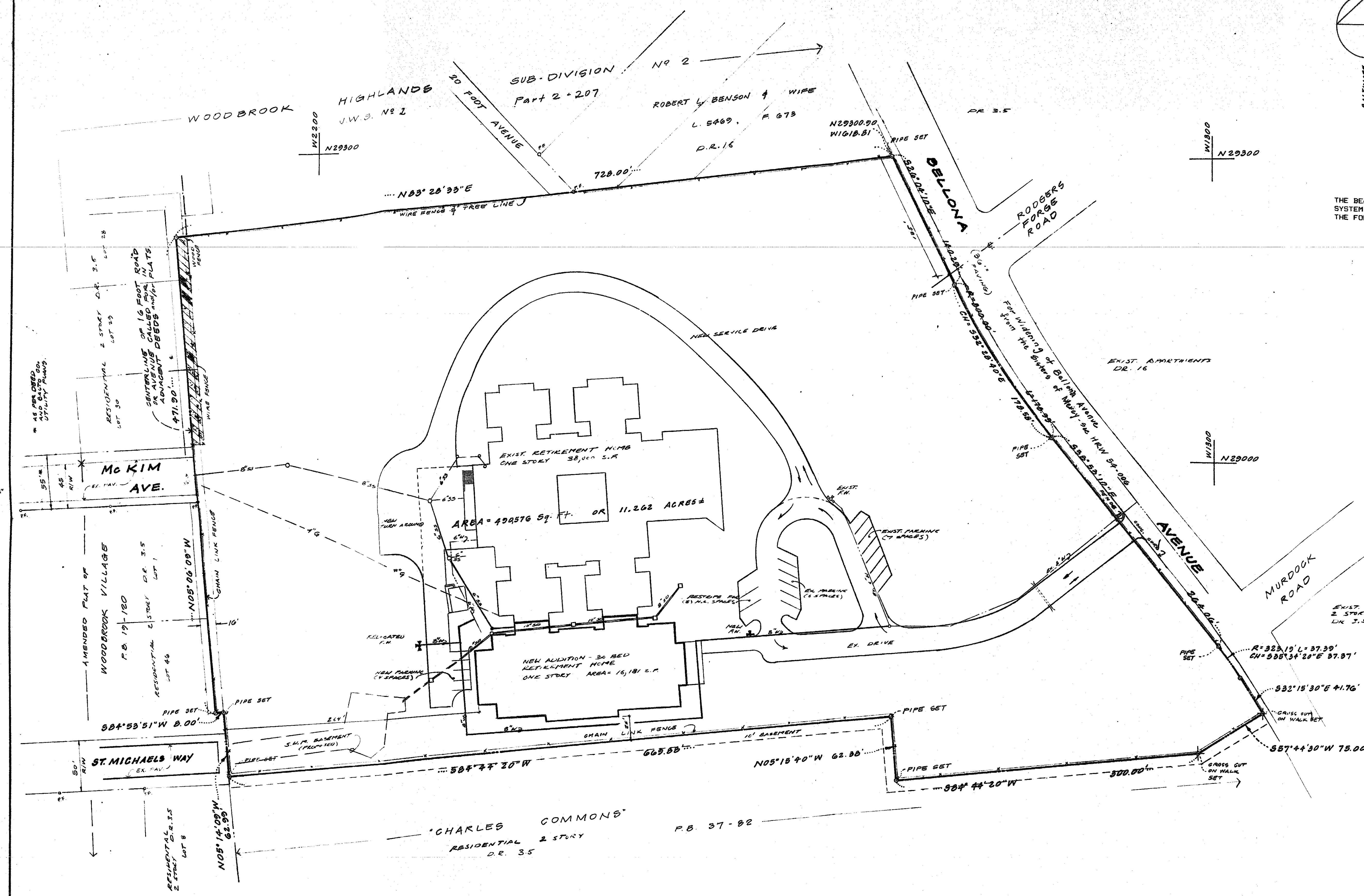


PETITIONERS  
EXHIBIT



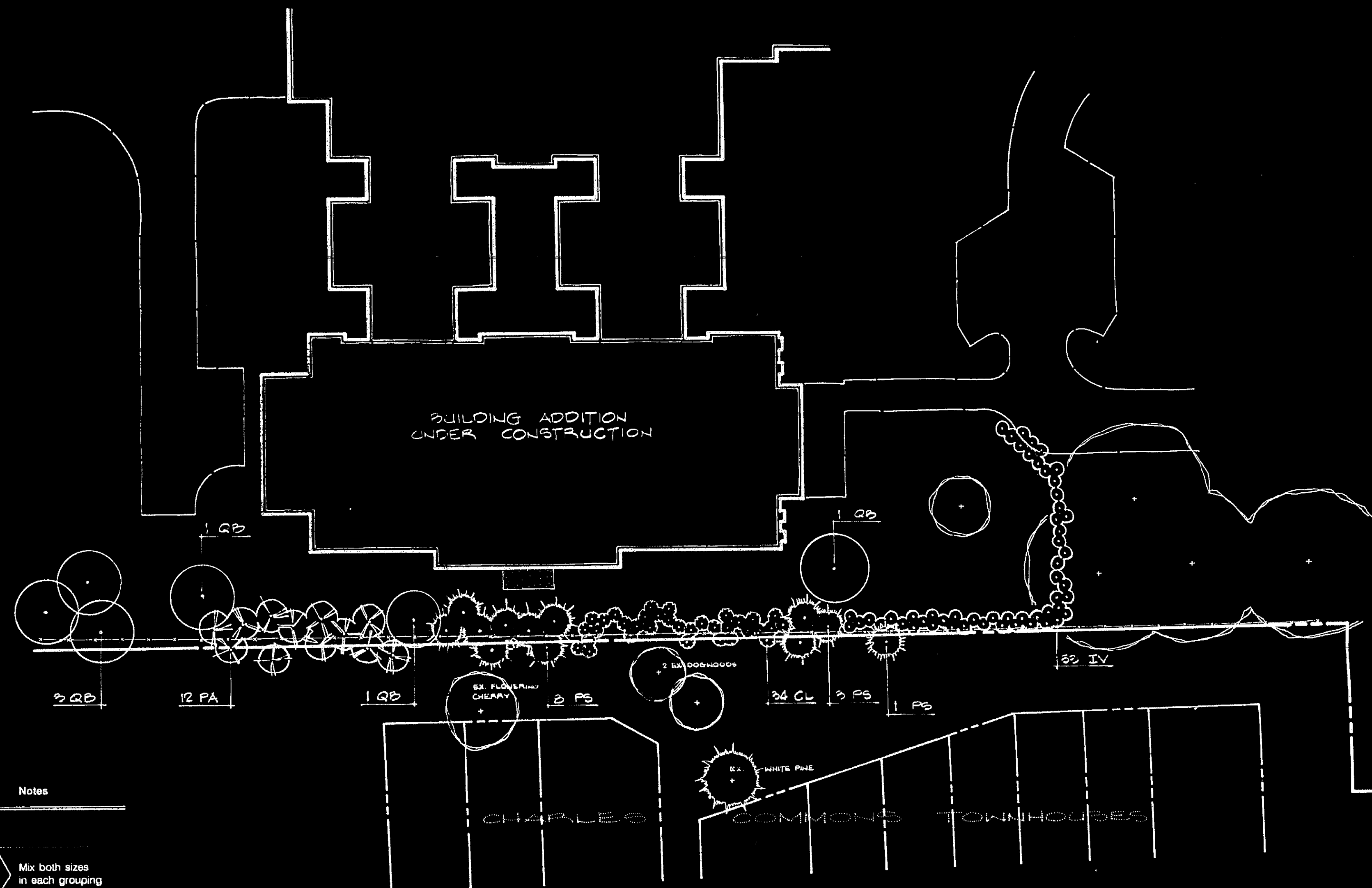
Telephone (301) 652-7011

3048



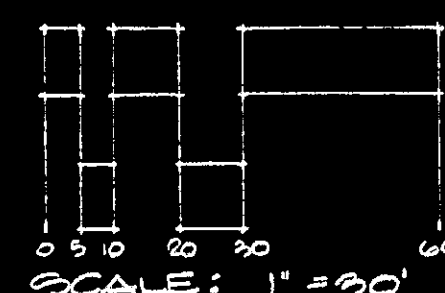
LEGEND

- = POSSIBLE ENCROACHMENT (ON SISTERS OF MERCY PROPERTY)
- - - - - = EXISTING FENCES
- P.F. = PIPE FOUND (USED IN DETERMINING BOUNDARY)



PLANT LIST					
Symbol	Quan. Approved	Quan. Proposed	Botanical Name Common Name	Size	Notes
QB	12	12	Quercus borealis Northern Red Oak	2' - 2 1/2"	
PA	7	4	Picea abies Norway Spruce	5' - 6'	
PA	0	8	Picea canadensis Norway Spruce	8' - 10'	Mix both sizes in each grouping of trees
IO	12	0	Ilex opaca American Holly	5' - 6'	
PS	0	4	Pinus strobus White Pine	5' - 6'	
PS	0	8	Pinus strobus White Pine	8' - 10'	Mix both sizes in each grouping of trees
PT	8	8	Pinus thunbergii Black Pine	5' - 6'	
CL	0	12	Cupressocyparis leylandii Leyland Cypress	3' - 3 1/2"	
CL	0	22	Cupressocyparis leylandii Leyland Cypress	5' - 8'	Mix both sizes in each grouping of shrubs
IG	92	92	Ilex glabra Hollyberry	18" - 24"	
IV	74	53	Ilex verticillata Winterberry	18" - 24"	
MG	111	111	Miscanthus gracillimus Maiden Grass	2 gal.	
PAF	338	338	Pennisetum alopecuroides Fountain Grass	1 gal.	

**WFK** WILLIAM F. KIRWIN, INC.  
 Land Planning Landscape Architecture Environmental Planning  
 28 E. Susquehanna Avenue  
 Towson, MD 21204  
 (301) 337-0075



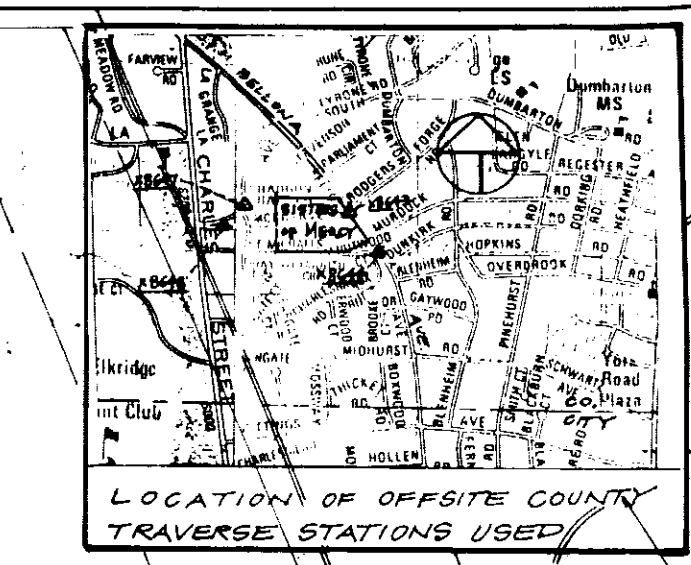
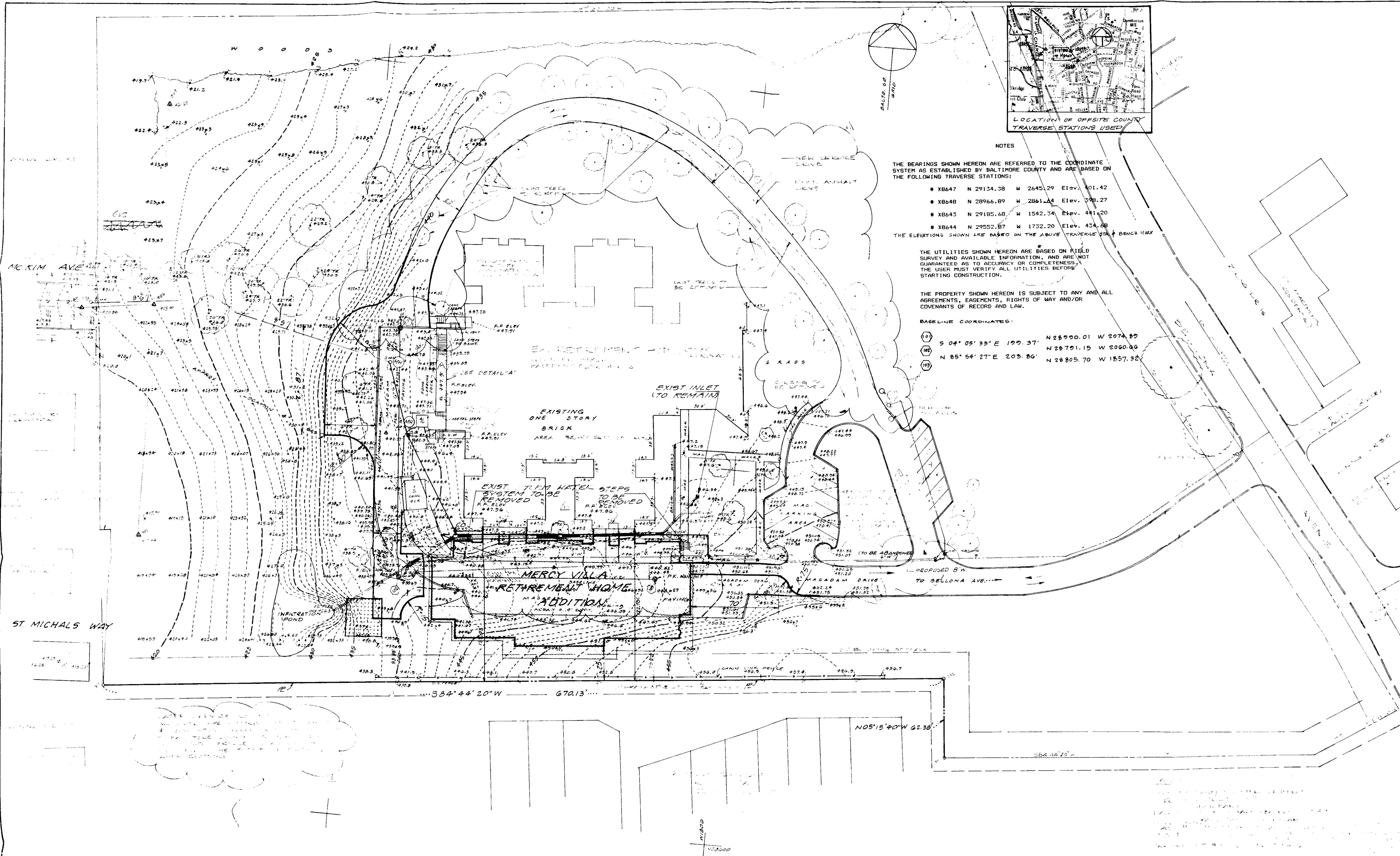
**PETITIONER'S  
EXHIBIT 2**  
**PROTESTANT'S  
EXHIBIT**

MODIFIED LANDSCAPE SCREENING PLAN FOR  
**MERCY VILLA**  
 PREPARED FOR THE "CHARLESBROOK COMMUNITY ASSOCIATION"

Exhibit A  
 1/16/90  
 6513 RHP

1/16/90





# NOTES

THE BEARINGS SHOWN HEREON ARE REFERRED TO THE COORDINATE SYSTEM AS ESTABLISHED BY BALTIMORE COUNTY AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:

- XB647 N 29134.38 W 2645.29 Elev. 401.42
- XB648 N 28966.89 W 2861.44 Elev. 398.27
- XB643 N 29185.68 W 1542.34 Elev. 411.20
- XB644 N 29552.67 W 1732.20 Elev. 434.68

THE ELEVATIONS SHOWN ARE BASED ON THE ABOVE TRAVERSE STATION BENCH MARK.

THE UTILITIES SHOWN HEREON ARE BASED ON FIELD SURVEY AND AVAILABLE INFORMATION, AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE USER MUST VERIFY ALL UTILITIES BEFORE STARTING CONSTRUCTION.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR COVENANTS OF RECORD AND LAW.

BASIS COORDINATES:

- 5 04° 05' 35" E 190.37' N 28790.01 W 2074.82
- 6 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 7 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 8 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 9 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 10 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 11 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 12 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 13 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 14 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 15 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 16 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 17 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 18 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 19 04° 05' 35" E 190.37' N 28791.15 W 2060.86
- 20 04° 05' 35" E 190.37' N 28791.15 W 2060.86

- REVISIONS:
- ADDENDUM #1
  - ADDENDUM #2
  - ADDENDUM #3
  - CLARIFICATIONS & REVISIONS
  - REVISION #4
  - REVISION #5
  - REVISION #6
  - REVISION #7
  - REVISION #8
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  - REVISION #100

## LEGEND

- LIMITS OF DISTURBANCE 18,160 sq.ft.
- FILL DUMP 900 sq.ft.

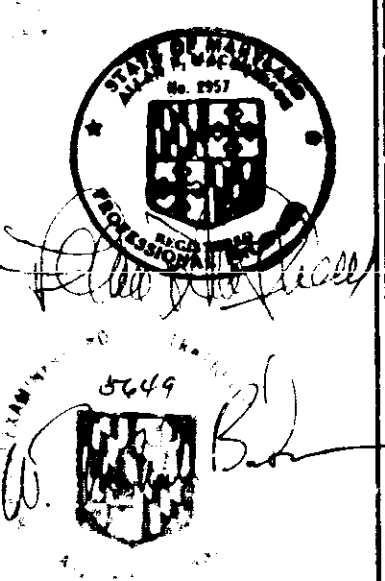
## CALCULATIONS

AREA WITHIN BUILDING PERIMETER	16,000 sq.ft.
AREA DISTURBED OUTSIDE BUILDING PERIMETER	2,160 sq.ft.
AREA FOR FILL STORAGE	900 sq.ft.
<b>TOTAL</b>	<b>19,060 sq.ft.</b>

## LEGEND

- CURB INLET
- YARD INLET
- MANHOLE
- STORM DRAINAGE PIPE
- STRUCTURE NUMBER

91-70-SPH



PROJECT: MERCY VILLA RETIREMENT HOME RENOVATION AND ADDITION

COMMISSION: 88039

DATE: NOVEMBER 6, 1989

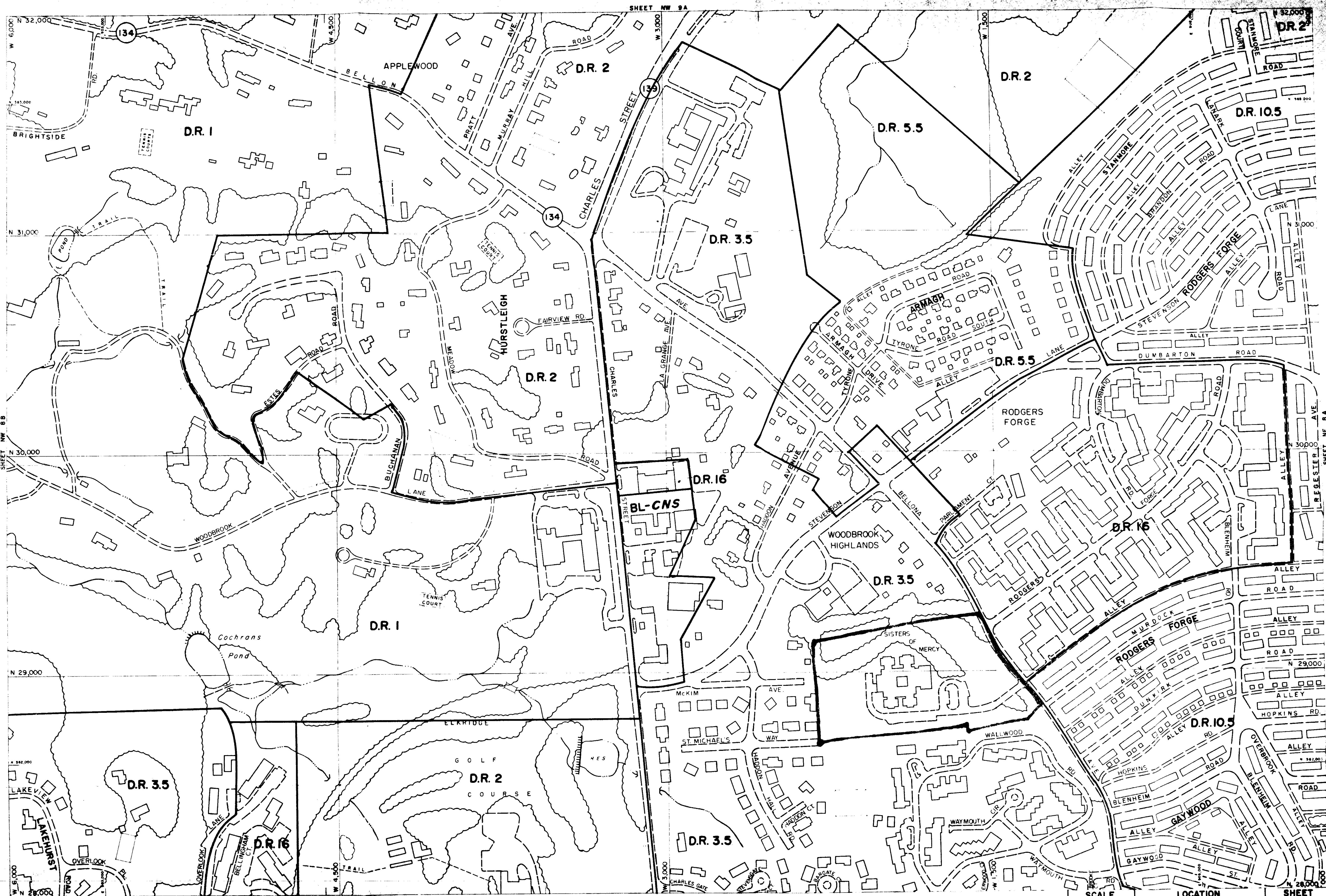
DRAWINGS: SITE PLAN

SCALE: 1" = 30'-0"

SITE

34





O - SE    N - SW  
O - NE    N - NW

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
ON 13, 1988  
Ord. Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP **91-70-SPA**

SCALE 1" = 200' ±	LOCATION RODGERS FORGE	SHEET NW 8-A
DATE OF PHOTOGRAPHY JANUARY 1986		

#34